

PRESENTMENT DATE AND TIME: January 18, 9:45 a.m. (Eastern Time)  
OBJECTION DEADLINE: January 11, 2012 at 11:30 a.m. (Eastern Time)

Kathleen H. Klaus  
Admitted *Pro Hac Vice*  
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Attorneys for M-Tech Associates, LLC

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**In re** :  
**MOTORS LIQUIDATION COMPANY, et al., f/k/a/ General Motors Corp., et al** : **Chapter 11**  
: **Case No. 09-50026 (REG)**  
: **Jointly Administered**  
:  
**Debtors.**

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**NOTICE OF PRESENTMENT OF MTECH ASSOCIATES, LLC'S MOTION TO DEEM  
CLAIM ALLOWED UNDER  
11 U.S.C § 502(A) AND BANKRUPTCY RULE 3001(F)**

**PLEASE TAKE NOTICE** that the annexed Motion to Deem Claim Allowed Under 11 U.S.C. § 502(A) and Bankruptcy Rule 3001(F) filed by MTech Associates, LLC, dated December 21, 2011, will be presented to the Honorable Robert E. Gerber, United States Bankruptcy Judge, in Room 621 of the Untied States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004, on **January 18, 2012 at 9:45 a.m. (Eastern Time)**.

**PLEASE TAKE FURTHER NOTICE** that any objections to MTech Associates, LLC's Motion to Deem Claim Allowed Under 11 U.S.C. §502(A) and Bankruptcy Rule 3001(F), must

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be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court, and shall be filed with the Bankruptcy Court (a) electronically in accordance with the General order M-399 (which can be found at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)) by registered users of the Bankruptcy Court's filing system, and (b) by all other parties in interest, on a CD-ROM or 3.5 inch disk, in text-searchable portable document format (PDF) (with a hard copy delivered directly to Chambers), in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and served in accordance with General Order M-399 and on (i) Weil, Gotshal & Manges, LLP, attorneys for the Debtors, Post-Effective Date Debtors and the GUC Trust, 767 Fifth Avenue, New York New York 10153 (Attn: Harvey R. Miller, Esq., Stephen Karotkin, Esq. and Joseph H. Smolinsky, Esq.); (ii) the Debtors, c/o Motors Liquidation Company, 401 South Old Woodward Avenue, Suite 370 Birmingham, Michigan 48009 (Attn: Thomas Morrow); (iii) General Motors LLC, 400 Renaissance Center, Detroit, Michigan 48265 (Attn: Lawrence S. Buonomo, Esq.); (iv) Cadwalader, Wickersham & Taft, LLP, attorneys for the United States Department of the Treasury, One World Financial Center, New York, New York 10281 (Attn: John J. Rapisardi, Esq.); (v) the United States Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 2312, Washington, D.C. 20220 (Attn: Joseph Samarias, Esq.); (vi) Vedder Price, P.C., attorneys for Export Development Canada, 1633 Broadway, 47<sup>th</sup> Floor, New York, New York 10019 (Attn: Michael J. Edelman, Esq. and Michael L. Schein, Esq.); (vii) Kramer Levin Naftalis & Frankel, LLP, attorneys for the statutory committee of unsecured creditors, 1177 Avenue of the Americas, new York, New York 10036 (Attn: Thomas Moers Mayer, Esq. Robert Schmidt, Esq. Lauren Macksoud, Esq. and Jennifer Sharret, Esq.); (viii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21<sup>st</sup> Floor, New York, New York

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10004 (Attn: Tracy Hope Davis, Esq); (ix) the U.S. Attorney's Office, S.D.N.Y. 86 Chambers Street, Third Floor, New York, New York 1007 (Attn: David S. Jones, Esq. and Natalie Kuehler, Esq.); (x) Caplin & Drysdale, Chartered, attorneys for the official committee of unsecured creditors holding asbestos-related claims, 375 Park Avenue, 35<sup>th</sup> Floor, New York, New York 10152-3500 (Attn: Elihu Inselbuch, Esq. and Rita C. Tobin, Esq.) and New Thomas Circle, N.W., Suite 1100, Washington, DC 20005 (Attn: Trevor W. Swett III, Esq. and Kevin C. Maclay, Esq.); (xi) Stutzman, Bromberg, Esserman & Plifka, a Professional Corporation, attorneys for Dean M. Tafelet in his capacity as the legal representative for future asbestos personal injury claimants, 2323 Bryan Street, Suite 2200, Dallas, Texas 75201 (Attn: Sander L. Esserman, Esq. and Robert T. Brousseau, Esq.); (xii) Gibson, Dunn & Crutcher LLP, attorneys for Wilmington Trust Company as GUC Trust Administrator and for Wilmington Trust Company as Avoidance Action Trust Administrator, 200 Park Avenue, 47<sup>th</sup> Floor, New York, New York 10166 (Attn: Keith Martorana, Esq.); (xiii) FTI Consulting, as the GUC Trust Monitor and as the Avoidance Action Trust Monitor, One Atlantic Center, 1201 West Peachtree Street, Suite 500, Atlanta, Georgia 30309 (Attn: Anna Phillips); (xiv) Crowell & Moring, LLP, attorneys for the Revitalizing Auto Communities Environmental Response Trust, 590 Madison Avenue, 19<sup>th</sup> Floor, New York, New York 10022-2524 (Attn: Michael V. Blumenthal, Esq.); and (xv) Kirk P. Watson, Esq. as the Asbestos Trust Administrator, 2301 Woodlawn Blvd, Austin, Texas 78703, so as to be received no later than January 11 , 2012 at 11:30 a.m. (Eastern Time) (the "Objection Deadline").

PLEASE TAKE FURTHER NOTICE that if no objections are timely filed and served with respect to the Motion and proposed Order, MTech Associates, LLC. may, on or after the

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Objection Deadline, submit the proposed Order to the Bankruptcy Court which may be entered with no further notice or opportunity to be heard offered to any party.

Dated: December 21, 2011

/s/ Kathleen H. Klaus

Kathleen H. Klaus  
Admitted *Pro Hac Vice*

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Attorneys for Creditor  
M-Tech Associates, LLC.

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**In re** :  
MOTORS LIQUIDATION COMPANY, : Chapter 11  
et al., f/k/a/ General Motors Corp., et al : Case No. 09-50026 (REG)  
: Jointly Administered  
:  
**Debtors.**

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**MTECH ASSOCIATES, LLC'S MOTION TO DEEM CLAIM ALLOWED UNDER  
11 U.S.C § 502(A) AND BANKRUPTCY RULE 3001(F)**

MTech Associates, LLC ("MTech") states as follows for its Motion to Deem Claim Allowed Under 11 U.S.C §502(a) and Bankruptcy Rule 3001(f):

1. On January 6, 2011, MTech filed claim no. 70536, asserting \$6,814,123.46 as a general, unsecured claim ("General Claim").<sup>1</sup> The General Claim was timely filed and no objection to the General Claim has been filed.
2. The General Claim asserts damages arising from the Debtors' breach of its lease with MTech and for damages arising from the rejection of that lease.

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<sup>1</sup> MTech filed Claim no. 44068 on November 24, 2009. It filed the General Claim after the court entered an order on December 13, 2010 allowing the Debtors to reject MTech's executory contract. See Docket No. 8071. The General Claim supersedes the original, timely filed claim.

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3. MTech has provided the Debtors with timely responses to the Debtors' requests for factual and legal support for the General Claim but (despite MTech's constant efforts to initiate discussions) the Debtors have made no effort to resolve or otherwise address the General Claim. The General Claim is listed on the claims register as "to be resolved."

4. The General Claim is not subject to the court's Order Establishing ADR Procedures.

5. Under § 502(a) of the Bankruptcy Code, a claim is allowed unless a party in interest files an objection to the claim. No objection has been filed to the General Claim.

6. Further, under Bankruptcy Rule 3001(f), the proof of claim asserting the General Claim is *prima facie* evidence of both the validity and amount of MTech's claim.

7. Thus, MTech has done all that was asked of it under the Bankruptcy Code, the Bankruptcy Rules and by the Debtors to substantiate the General Claim. There is no reason why, after two years, it should not be allowed.

WHEREFORE, there being no just cause otherwise, MTech respectfully ask the court to enter an order deeming Claim No. 70536 allowed as a general, unsecured claim in the amount of \$6,814,123.46.

Dated: December 21, 2011

/s/ Kathleen H. Klaus

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# EXHIBIT A

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\*\*\*PROPOSED ORDER\*\*\*

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**ORDER GRANTING MTECH ASSOCIATES, LLC'S MOTION TO DEEM ALLOWED  
CLAIM NO. 70536 UNDER 11 U.S.C § 502(A) AND BANKRUPTCY RULE 3001(F)**

This cause coming to be heard on the Motion of MTech Associates, LLC ("MTech") to Deem Allowed Claim No. 70536 Under 11 U.S.C. § 502(a) and Bankruptcy Rule 3001(f), the court being duly advised in the premises,

IT IS HEREBY ORDERED:

1. MTech's motion is GRANTED.
2. Claim No. 70536 is deemed an allowed claim in the amount of \$6,814,123.46.

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Hon. Robert E. Gerber  
United States Bankruptcy Judge

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:

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2011, I electronically filed M-Tech Associates, LLC's (1) Notice of Presentment; (2) Motion to Deem Claim Allowed Under 11 U.S.C. § 502(A) and Bankruptcy Rule 3001(F) with Exhibit (proposed order), with the Clerk of the Court using the ECF system, and have placed a copy in an envelope and deposited same in a United States Postal Depository in the City of Southfield with postage fully affixed thereon and addressed to:

(i) Weil, Gotshal & Manges, LLP, attorneys for the Debtors, Post-Effective Date Debtors and the GUC Trust, 767 Fifth Avenue, New York New York 10153 (Attn: Harvey R. Miller, Esq., Stephen Karotkin, Esq. and Joseph H. Smolinsky, Esq.); (ii) the Debtors, c/o Motors Liquidation Company, 401 South Old Woodward Avenue, Suite 370 Birmingham, Michigan 48009 (Attn: Thomas Morrow); (iii) General Motors LLC, 400 Renaissance Center, Detroit, Michigan 48265 (Attn: Lawrence S. Buonomo, Esq.); (iv) Cadwalader, Wickersham & Taft, LLP, attorneys for the United States Department of the Treasury, One World Financial Center, New York, New York 10281 (Attn: John J. Rapisardi, Esq.); (v) the United States Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 2312, Washington, D.C. 20220 (Attn: Joseph Samarias,

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